

Judicial Branch Fees and Costs House File 2789

FINAL ACTION

May 2, 2006

Executive Summary Only

An Act relating to assessing court costs and modifying fines, providing for indigent defense, and making appropriations to the Judicial Branch, Attorney General, Department of Corrections, and the Department of Inspections and Appeals.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www3.legis.state.ia.us/noba/index.jsp>

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EXECUTIVE SUMMARY NOTES ON BILLS AND AMENDMENTS

HOUSE FILE 2789 JUDICIAL BRANCH FEES AND COSTS

FUNDING SUMMARY

MAJOR INCREASES, DECREASES, OR TRANSFERS OF EXISTING PROGRAMS

- The overall revenue generated in HF 2789 is \$11.3 million. The Act allocates \$11.1 million. The remaining \$213,000 is deposited into the General Fund.
- Increases the fee charged by the clerks of district court for filing and docketing a criminal case from \$30 to \$100 and the court costs/filing fees for a scheduled violation from \$30 to \$50. The estimated revenue impact of the \$20 increase in simple misdemeanor court costs/filing fees is \$8.7 million and the estimated revenue impact of the \$70 increase in indictable misdemeanor filing fees is \$600,000. The total revenue generated by increasing court costs is \$9.3 million.
- Increases the fines charged for simple, serious, and aggravated misdemeanor offenses, and Operating While Intoxicated (OWI) offenses by approximately 25.0%. The total revenue generated is \$2.0 million. The following chart illustrates the new minimum and maximum fine amounts.

Offense	Minimum Fine Amount	Maximum Fine Amount
Simple Misdemeanor	\$ 65	\$ 625
Serious Misdemeanor	\$ 315	\$ 1,875
Aggravated Misdemeanor	\$ 625	\$ 6,250
OWI 1st	\$ 1,250	
OWI 2nd	\$ 1,875	\$ 6,250
OWI 3rd	\$ 3,125	\$ 9,375

FISCAL IMPACT

- Directs the State Court Administrator to allocate \$14.0 million annually from fees and fines collected by the Judicial Branch, to the Judicial Branch for salaries, maintenance, equipment, and miscellaneous purposes. This is a \$7.0 million increase to the Judicial Branch's current allocation and is in addition to the Judicial Branch's \$123.3 million operating budget appropriation in HF 2557 (FY 2007 Judicial Branch Appropriations Bill). The \$14.0 million allocation will be shown in the Judicial Branch operating budget as a receipt, rather than an appropriation.
- Directs the State Court Administrator to allocate \$3.0 million annually from the fees and fines collected by the clerks of district court, to the Office of the State Public Defender of the Department of Inspection and Appeals. The funds are to be used to compensate court-appointed attorneys representing indigent adults and juveniles. This is a \$5 per hour increase over current law. The \$3.0 million allocation is in addition to the General Fund appropriation of \$25.2 million to the State Public Defender in HF 2558 (FY 2007 Justice System Appropriations Bill). The \$3.0 million allocation will be shown in the State Public Defender's Office Indigent Defense budget as a receipt, rather than an appropriation. The following chart illustrates the pay matrix for billable attorneys.

**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**HOUSE FILE 2789
JUDICIAL BRANCH FEES AND COSTS**

<u>Offense</u>	<u>Rate Increase</u>	<u>New Hourly Rate</u>
Class A Felony	\$ 5	\$ 65
Class B Felony	\$ 5	\$ 60
Class C Felony	\$ 10	\$ 60
Class D Felony	\$ 10	\$ 60
Aggravated Misdemeanor	\$ 10	\$ 60
Serious Misdemeanor	\$ 10	\$ 60
Simple Misdemeanor	\$ 10	\$ 60
Juveniles	\$ 5	\$ 55
Appeals	\$ 5	\$ 55
Others	\$ 5	\$ 55

- Directs the State Court Administrator to allocate \$450,000 annually from the fees and fines collected by the clerks of district court, to the Office of the Attorney General for Legal Services Poverty Grants. The funds are to be used for legal services for persons in poverty. The \$450,000 allocation is in addition to the General Fund appropriation of \$900,000 to the Attorney General's Office for Legal Services Poverty Grants in HF 2558 (FY 2007 Justice System Appropriations Bill). The \$450,000 allocation will be shown in the Attorney General's Office budget as a receipt, rather than an appropriation.
- Directs the State Court Administrator to allocate \$560,000 annually from the fees and fines collected by the clerks of district court, to the Department of Corrections for the Newton Safe Keepers Program. The \$560,000 allocation is in addition to the General Fund appropriation of \$26.1 million for the Newton Correctional Facility in HF 2558 (FY 2007 Justice System Appropriations Bill). The \$560,000 allocation will be shown in the Newton Correctional Facility's budget as a receipt, rather than an appropriation.
- This Bill is effective on July 1, 2006.
- This Bill was approved by the General Assembly on May 2, 2006.

EFFECTIVE DATE
ENACTMENT DATE